

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

Clara De Leon, Eric W. Mirsberger Jr., Joseph Mitchell, and Edward Mendez, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

DraftKings, Inc.; Crown NY Gaming LLC,

Defendants.

Case No. 1:25-cv-00644

**NOTICE OF DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS'  
FIRST AMENDED CLASS ACTION  
COMPLAINT**

**PLEASE TAKE NOTICE** that as soon as it may be heard, in the courtroom of the Honorable Denise Cote, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, NY, 10007, with oral argument to be held on a date and time to be designated by the Court, Defendants DraftKings Inc. and Crown NY Gaming Inc., will and hereby do move this Court for an order dismissing plaintiffs' complaint against them for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure and for lack of standing under Rule 12(b)(1) of the Federal Rules of Civil Procedure.

Defendants' motion is based on this Notice of Motion; Defendants' Memorandum of Law in Support of its Motion to Dismiss Plaintiffs' First Amended Complaint; the accompanying Declaration of Gary Wimbridge In Support of DraftKings' Motion to Dismiss and the exhibits thereto; the accompanying Declaration of Jeremy McAuley In Support of DraftKings' Motion to Dismiss and the exhibits thereto; any arguments of counsel; and any other such materials properly considered by the Court at any hearing on this motion.

DATED: June 20, 2025

Respectfully Submitted,

By: /s/ Richard R. Patch

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